

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 30, 2001

D030980 People v. Blanco et al.

The court is instructed to modify the judgment to reflect victim restitution as to defendant Fuerte in the amount of \$3,858.50. The clerk of the superior court is ordered to correct the abstract of judgment and to forward a corrected copy to the Department of Corrections. In all other respects, the judgments are affirmed. Nares, Acting P. J.; We Concur: Haller, J., McDonald, J.

D037266 People v. Conner

The judgment is affirmed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

D035323 Martin v. Board of Administration For San Diego City Employees' Retirement System

The judgment is affirmed. Costs are awarded to respondent. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

D037380 Banning v. Cabot

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D037450 In re Curtis on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 1, 2001

D034756 Kohne v. Amoco Corporation et al.

The petition for rehearing is denied.

D037632 Evelia G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The attorney for petitioner Evelia G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed, as there are no viable issues for writ review. The case is dismissed.

D037531 Flora B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The attorney for petitioner Flora B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed, as there are no viable issues for writ review. The case is dismissed.

D037543 Citizens for Jobs and The Economy et al. v. County of Orange/El Toro Reuse Planning Authority et al.

The petition is denied.

D037837 Wallis v. Superior Court of San Diego County/Giromex, Inc., et al.

The petition is denied.

D034701 In re the Marriage of Hodges

D036624 In re the Marriage of Hodges

Appellant's unopposed motion to consolidate the above-entitled appeals for oral argument and decision is granted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 2, 2001

D036512 People v. Servin et al.

The Superior Court is directed to correct the abstracts of judgment to reflect that Gudino's and Servin's sentences on counts 2 and 3 and count 2 respectively shall be stayed under section 654 and shall forward corrected copies of the abstracts of judgment to the Department of Corrections. As modified, the judgments are affirmed. Work, Acting P.J.; We Concur: Benke, J., O'Rourke, J.

D037621 Nanci V. v. Superior Court of San Diego County/San Diego County Health and Human Services.

The attorney for petitioner Nanci V. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D036259 People v. Johnson

Judgment affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D034553 People v. Wilson

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D035493 People v. Jackson

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034660 People v. Cornejo

The conviction is affirmed. The true findings on the enhancement allegations are reversed and the matter is remanded to the superior court for determination of the truth of the allegations and for resentencing in accordance with this opinion. After resentencing, the superior court is directed to modified abstract of judgment and forward it to the Department of Corrections. McIntyre, J.; We Concur: Kremer, P.J., Benke, J.

D033982 People v. Pollock

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D035021 San Diegans for Responsible Freeway Planning et al. v. City of San Diego et al./California Department of Transportation et al.

Judgment affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D036761 In re Steven M., a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D035890 People v. Walker

The sentence is vacated as is the trial court's finding the federal bank robbery conviction is "not true." The case is remanded to the trial court with directions to conduct a new trial on the truth of the prior conviction in accordance with section 1025 and the views expressed in this opinion and to take such further actions as may be appropriate. In all other respects the judgment is affirmed. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 2, 2001 (Continued)

D035076 San Diegans for Responsible Free Planning et al. v. City of San Diego et al./Pardee Construction Company, Inc.

Judgment affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D035334 In re Coordinated Latex Glove Litigation Kelly Morson v. Baxter Healthcare Corporation et al.

The summary judgment entered in favor of Defendants is reversed. Costs are awarded to plaintiff. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

D036238 In re Cesario M., a Juvenile

The orders declaring Cesario a ward and placing him on probation are affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D036548 People v. Duncan

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034938 Lewis v. Grossmont-Cuyamaca Community College District

The judgment is affirmed. Costs are awarded to respondent. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

D035028 Gurrola et al. v. Boettcher

The judgment is affirmed. Boettcher is to recover her costs on appeal. McIntyre, J.; We Concur: Kremer, P.J., Benke, J.

D036713 In re Domonic E., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D036863 Hjelte v. Eltrax Systems, Inc.

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P. J., Benke, J.

D035047 People v. Orozco

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 3, 2001

D037368 In re Diaz on Habeas Corpus

The petition is denied.

D035147 People v. Williams

D036032 In re Williams on Habeas Corpus

The pending petition for writ of habeas corpus, In re Williams, D036032, is consolidated with the pending appeal, People v. Williams, D035147, for disposition.

D035147 People v. Williams

D036032 In re Williams on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied. Work, Acting P.J.;
We Concur: Huffman, J., McDonald, J.

D035757 People v. Dell

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D037217 John L. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

D030494 People v. Sowers

The judgment dismissing the information is reversed. The matter is remanded for further proceedings consistent with this opinion. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D035950 People v. Napper

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037271 People v. Garza

The judgment is affirmed. Work, J.; Kremer, P.J., Nares, J.

D035812 Kuebler v. McCambridge et al.

The order is reversed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

D035244 People v. Antonoff

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D034600 In re Christopher M., a Juvenile

The judgment is affirmed as modified. The trial court shall correct the minutes and CYA commitment order to state the \$500 restitution fine was imposed under section 730.6. subdivision (b) and advise CYA of the modification. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036329 People v. Mosley

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 3, 2001 (continued)

D036864 Grewal v. Brown

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D037420 In re Quillar on Habeas Corpus

The petition is denied.

D037371 Alexander D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

D034981 People v. Sparks

The judgment of conviction of burglary in count 1, the true findings of burglary in count 2 and the true findings on the two Penal Code section 12022, subdivision (b)(1) allegations and the Penal Code section 12022.3, subdivision (a) allegation are reversed; the judgment is affirmed in all other respects.

CERTIFIED FOR PARTIAL PUBLICATION. McDonald, J.; I Concur: McIntyre, J.;

I Dissent: Benke, J. (opinion)

D036007 In re Andrew R., a Juvenile

The juvenile court's orders are affirmed as modified. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037791 Salzberg v. City of San Diego

Pursuant to California Rules of Court, rule 10c, the appeal filed March 28, 2001, is dismissed for appellant's failure to timely designate the record.

D037732 Sanchez-Serrano v. City of Chula Vista et al.

Pursuant to California Rules of Court, rule 10c, the appeal filed March 26, 2001, is dismissed for appellant's failure to timely designate the record.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 4, 2001

D036179 People v. Estrada

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D036324 In re Francisco V., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D035845 People v. Andrus

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D034066 Dym et al. v. Operation Rescue of California

Submission of the matter is withdrawn to allow the additional briefing and the matter will be submitted on June 4, 2001.

D036881 In re Jaime S., a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035851 People v. Roston

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036266 People v. Hamann

The trial court's order denying the motion to strike the conviction is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D031041 People v. Shamrock Foods Company

For reasons stated above we conclude that we must affirm the judgment of the trial court. Judgment affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D036974 In re MacIver on Habeas Corpus

The petition is denied.

D037097 In re Marriage of Behrashi

The appeal is dismissed.

D037592 Sarah L. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Sarah L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed, as there are no viable issues for writ review. The case as to Sarah L. is dismissed.

D037745 In re Polselli on Habeas Corpus

The petition for reconsideration is denied.

D034792 People v. Lopez

The petition for rehearing is denied.